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UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

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In re:	:	Chapter 11
	:	
CHARTER COMMUNICATIONS, INC., <u>et al.</u> ,	:	Case No. 09-11435-JMP
	:	
Debtors.	:	(Jointly Administered)
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**APPELLANTS' STATEMENT OF ISSUES TO BE PRESENTED ON APPEAL AND
DESIGNATION OF CONTENTS OF THE RECORD ON APPEAL**

IRON WORKERS LOCAL NO. 25 PENSION FUND, INDIANA LABORERS PENSION FUND, and IRON WORKERS DISTRICT COUNCIL OF WESTERN NEW YORK AND VICINITY PENSION FUND, as court-appointed Lead Plaintiffs in the action styled *Iron Workers Local No. 25 Pension Fund v. Allen, et al.*, Case No. 4:09-cv-00405-JLH (E.D. Ark.), on behalf of themselves and all others similarly situated (hereinafter referred to collectively as the "Securities Class Action Plaintiffs"), pursuant to Rule 8006 of the Federal Rules of Bankruptcy Procedure, hereby submit their statement of the issues to be presented on appeal and designate the contents of the record on appeal to the United States District Court for the Southern District of New York with respect to the:

- A. Order Granting Motion To Enforce Plan Injunction dated February 9, 2010 [Dkt. No. 1152].

Issues to Be Presented on Appeal

The Securities Class Action Plaintiffs intend to present the following issues on appeal with respect to the Order Granting Motion To Enforce Plan Injunction:

1. Whether the Bankruptcy Court erred in holding that non-bankruptcy claims against non-debtors may be released and enjoined without the debtor giving actual notice of, and an opportunity to be heard on, proposed non-debtor, third party releases of the debtor's officers and directors;
2. Whether the Bankruptcy Court erred in holding that persons with no interest in a corporate bankruptcy case have the burden of obtaining actual knowledge of, and an opportunity to be heard on, the corporate debtor's efforts to release its officers and directors from securities law violations and to enjoin such claims;
3. Whether the Bankruptcy Court erred in holding that persons who were not "holders of claims" or "holders of interests" as defined in the Plan of Reorganization are subject to the non-debtor releases and injunction provisions in the Plan of Reorganization;
4. Whether the Bankruptcy Court erred in holding that the defined terms "holders of claims against the Debtor" and "holders of interests in the Debtor" in the Plan of Reorganization do not have any temporal limitation and therefore such defined terms fully apply to anyone who ever held claims against, or interests in, the Debtor at any time prior to the effective date of the Plan of Reorganization;
5. Whether the Bankruptcy Court erred in holding that the injunction provisions of the Debtor's Plan of Reorganization applied to the Securities Class Action Plaintiffs notwithstanding the fact that the Securities Class Action Plaintiffs were not holders of claims against, and many were not holders of interests in, the Debtor on the record date and/or effective date of the Plan of Reorganization;
6. Whether the Bankruptcy Court should have yielded to the District Court's jurisdiction in determining the applicability and extent of the anticipated affirmative defense of the non-debtor, third party release of the Debtor's officers and directors from securities law violations; and
7. Whether the Bankruptcy Court erred in failing to make the requisite non-bankruptcy factual findings to support issuance of an injunction.

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Designation of Contents of the Record on Appeal¹

03/27/2009	5	Motion to Allow/ <i>Debtors' Motion for Entry of an Order Establishing Certain Notice, Case Management and Administrative Procedures</i> filed by Stephen Hessler on behalf of Charter Communications, Inc.. (Hessler, Stephen) (Entered: 03/27/2009)
03/27/2009	30	Motion to Approve / <i>Debtors' Motion for an Order (I) Approving the Disclosure Statement, (II) Establishing a Record Date for Voting on the Plan of Reorganization and the Rights Offering, (III) Approving Solicitation Packages and Procedures for the Distribution Thereof, (IV) Approving the Rights Offering Procedures and Rights Exercise Form, (V) Approving the Forms of Ballots and Manner of Notice, (VI) Approving the Commitment Agreements, (VII) Approving the Commitment Fees, (VIII) Establishing Procedures for Voting on the Plan and (IX) Establishing Notice and Objection Procedures for Confirmation of the Plan</i> filed by Stephen Hessler on behalf of Charter Communications, Inc.. (Attachments: # 1 Exhibit B - Solicitation Procedures# 2 Exhibit C - Commitment Agreements# 3 Exhibit D - Hearing Notice# 4 Exhibit E - Ballots# 5 Exhibit F - Master Ballots# 6 Exhibit G - Notice of Non-Voting Deemed to Reject# 7 Exhibit H - Notice of Non-Voting Deemed to Accept# 8 Exhibit I - Disputed Claim Notice# 9 Exhibit J - Notice to Contract-Lease Parties# 10 Exhibit K - Notice to Holders Publicly Traded Stock# 11 Exhibit L - Election Form# 12 Exhibit M - Rights Offering Procedures#

¹ Appellants also designate the transcripts of the hearings held on July 20, 2009, July 21, 2009, July 22, 2009, July 23, 2009, July 28, 2009, July 29, 2009, July 31, 2009, August 3, 2009, August 17, 2009, August 18, 2009, August 24, 2009, August 25, 2009, August 31, 2009, September 1, 2009, September 2, 2009, September 10, 2009, September 23, 2009, September 30, 2009, October 1, 2009, and October 15, 2009 previously designated by The Law Debenture Trust Company of New York in Appeal Case No. 09-10566, R2 Investments, LDC in Appeal Case No. 09-10506, and JP Morgan Chase Bank, N.A. in Appeal Case No. 09-10328 and incorporate those designations by reference herein [See Dkt. Nos. 962, 988, and 1005].

		13 Exhibit N - Rights Exercie Form# 14 Exhibit O - Confirmation Hearing Notice) (Hessler, Stephen) (Entered: 03/27/2009)
03/30/2009	73	Order Signed on 3/30/2009 Establishing Certain Notice, Case Management and Administrative Procedures. (Related Doc # 5) (Nulty, Lynda) (Entered: 03/30/2009)
05/07/2009	323	Order Signed on 5/7/2009 (I) Approving the Disclosure Statement, (II) Establishing a Record Date for Voting on the Plan of Reorganization and the Rights Offering, (III) Approving Solicitation Packages and Procedures for the Distribution Thereof, (IV) Approving the Rights Offering Procedures and Rights Exercise Form, (V) Approving the Forms of Ballots and Manner of Notice, (VI) Approving the Commitment Agreements, (VII) Approving the Commitment Fees, (VIII) Establishing Procedures for Voting on the Plan and (IX) Establishing Notice and Objection Procedures for Confirmation of the Plan. The Confirmation Hearing Will Be Held On 7/20/2009 at 10:00 AM in Courtroom 601. (Related Doc # 30) (Nulty, Lynda) (Entered: 05/07/2009)
11/17/2009	920	Opinion on Confirmation of Plan of Reorganization and Adjudication of Related Adversary Proceeding Signed on 11/17/2009. (related document(s) 320) (Nulty, Lynda) (Entered: 11/17/2009)
11/17/2009	921	Findings of Fact, Conclusions of Law and Order Signed on 11/17/2009 Confirming the Debtors' Joint Plan of Reorganization. (related document(s) 320) (Nulty, Lynda) (Entered: 11/17/2009)
01/14/2010	1107	Motion to Authorize / <i>Reorganized Debtors' Motion to Enforce the Plan of Reorganization Injunction</i> filed by Paul M. Basta on behalf of Charter Communications, Inc.. (Basta, Paul) (Entered: 01/14/2010)

01/14/2010	<u>1108</u>	Memorandum of Law / <i>Reorganized Debtors' Brief in Support of Motion to Enforce the Plan of Reorganization Injunction</i> (related document(s) <u>1107</u>) filed by Paul M. Basta on behalf of Charter Communications, Inc.. (Basta, Paul) (Entered: 01/14/2010)
01/14/2010	<u>1109</u>	Declaration of <i>Paul M. Basta, Esq. Pursuant to Local Bankruptcy Rule 9077-1(a)</i> (related document(s) <u>1107</u>) filed by Paul M. Basta on behalf of Charter Communications, Inc.. (Basta, Paul) (Entered: 01/14/2010)
01/14/2010	<u>1110</u>	Order to Show Cause Signed on 1/14/2010 Regarding the Reorganized Debtors' Motion to Enforce the Plan of Reorganization Injunction. A Hearing Will Be Held On 1/19/2010 at 3:30 PM in Courtroom 601. (related document(s) <u>1107</u>) (Nulty, Lynda) (Entered: 01/14/2010)
01/14/2010	<u>1111</u>	Motion to Authorize / <i>Reorganized Debtors' Motion to Enforce the Plan of Reorganization Injunction (Amended)</i> (related document(s) <u>1107</u>) filed by Paul M. Basta on behalf of Charter Communications, Inc.. (Basta, Paul) (Entered: 01/14/2010)
01/15/2010	<u>1113</u>	Motion to Join <i>Joinder Of Paul G. Allen To Reorganized Debtors' Motion To Enforce The Plan Of Reorganization Injunction</i> (related document(s) <u>1111</u> , <u>1107</u>) filed by Jay M. Goffman on behalf of Paul G. Allen. (Goffman, Jay) (Entered: 01/15/2010)
01/24/2010	<u>1127</u>	Response to Motion and Order To Show Cause Why An Order Should Not Be Entered Enforcing Plan Injunction (related document(s) <u>1111</u>) filed by Robert F. Elgidely on behalf of Indiana Laborers Pension Fund, Iron Workers District Council of Western New York and Vicinity Pension Fund, Iron Workers Local No. 25 Pension Fund. with hearing to be held on 1/26/2010 at 10:00 AM at Courtroom 601 (JMP) (Elgidely, Robert) (Entered: 01/24/2010)

01/25/2010	1131	Response / <i>Reorganized Debtors' Reply Brief in Support of Motion to Enforce the Plan of Reorganization Injunction</i> filed by Paul M. Basta on behalf of Charter Communications, Inc.. (Basta, Paul) (Entered: 01/25/2010)
01/28/2010	1144	Transcript regarding Hearing Held on 1/26/10 10:02 PM RE: Motion of Reorganized Debtors to Enforce the Plan of Reorganization Injunction.. Remote electronic access to the transcript is restricted until 4/28/2010. The transcript may be viewed at the Bankruptcy Court Clerks Office. [Transcription Service Agency: Veritext, LLC.]. (See the Courts Website for contact information for the Transcription Service Agency.). Notice of Intent to Request Redaction Deadline Due By 2/4/2010. Statement of Redaction Request Due By 2/18/2010. Redacted Transcript Submission Due By 3/1/2010. Transcript access will be restricted through 4/28/2010. (Richards, Beverly) (Entered: 02/02/2010)
02/08/2010	1149	Memorandum Decision Signed on 2/8/2010 Granting Motion to Enforce Plan Injunction. (related document(s) 1111) (Nulty, Lynda) (Entered: 02/08/2010)
02/09/2010	1152	Order Signed on 2/9/2010 Granting Motion to Enforce Plan Injunction. (related document(s) 1149) (Nulty, Lynda) (Entered: 02/09/2010)
02/23/2010	1169	Notice of Appeal (related document(s) 1152) filed by Robert F. Elgidely on behalf of Indiana Laborers Pension Fund, Iron Workers District Council of Western New York and Vicinity Pension Fund, Iron Workers Local No. 25 Pension Fund. (Elgidely, Robert) (Entered: 02/23/2010)

Dated: March 9, 2010
Miami, Florida

Respectfully submitted,

GENOVESE, JOBLOVE & BATTISTA, P.A.

By: /s/ Robert F. Elgidely

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